

NCA
VOC FOR IOP/FN
BACKGROUNDER NO. 5-5599
JOSEPH SULLIVAN

MARCH 10, 1978

THE NON-PROLIFERATION ACT

ANNCR:

PRESIDENT CARTER, FRIDAY (MARCH 10), SIGNED INTO LAW A BILL KNOWN AS THE NON-PROLIFERATION ACT WHICH APPLIES STRICT CRITERIA TO REGULATE THE SPREAD OF NUCLEAR MATERIAL AND TECHNOLOGY. VOA'S JOSEPH SULLIVAN HAS THIS BACKGROUND REPORT.

VOICE:

THE NON-PROLIFERATION ACT IS THE FIRST MAJOR U.S. LEGISLATION ON PEACEFUL NUCLEAR COOPERATION SINCE THE ATOMIC ENERGY ACT OF 1954. PRESIDENT CARTER PROPOSED THE NEW LEGISLATION TO CONGRESS LAST APRIL, DESCRIBING IT AT THAT TIME AS ONE STEP IN CONTROLLING THE SPREAD OF NUCLEAR EXPLOSIVES WITHOUT DEPRIVING ANY NATION OF THE MEANS TO SATISFY ITS ENERGY NEEDS. THE LEGISLATION, IN THE PRESIDENT'S WORDS, "IS INTENDED TO REASSURE OTHER NATIONS THAT THE UNITED STATES WILL BE A RELIABLE SUPPLIER OF NUCLEAR FUEL AND EQUIPMENT FOR THOSE WHO GENUINELY SHARE OUR DESIRE FOR (NUCLEAR) NON-PROLIFERATION."

THE NON-PROLIFERATION ACT SPECIFIES CONDITIONS TO BE APPLIED TO U.S. NUCLEAR EXPORTS TO ENSURE THAT NUCLEAR FUELS AND EQUIPMENT ARE USED ONLY FOR PEACEFUL PURPOSES UNDER INTERNATIONAL SAFEGUARDS. AMONG OTHER THINGS, IT CALLS FOR RESTRAINT IN THE TRANSFER OF SENSITIVE NUCLEAR MATERIALS, EQUIPMENT AND TECHNOLOGY. IT ALSO PROVIDES THAT U.S. NUCLEAR EXPORTS WILL CEASE IF A RECIPIENT STATE EXPLODES NUCLEAR SAFEGUARDS AGREEMENT OR ITS AGREEMENT WITH THE UNITED STATES.

AT THE SAME TIME, THE NON-PROLIFERATION ACT ENSURES RECIPIENT NATIONS OF RELIABLE SUPPLIES OF ENRICHED URANIUM PROVIDING THAT THEY CONTINUE USING PRESENT GENERATION REACTORS

AND DO NOT MOVE PREMATURELY TO BREEDER REACTORS OR TO THE REPROCESSING OF SPENT NUCLEAR FUEL. THE NEW LAW ALSO STIPULATES THAT WITHIN THE NEXT TWO YEARS, ALL NON-NUCLEAR WEAPONS STATES WISHING TO RECEIVE NUCLEAR FUELS AND TECHNOLOGY FROM THE UNITED STATES MUST PLACE ALL OF THEIR NUCLEAR MATERIALS AND EQUIPMENT UNDER INTERNATIONAL SAFEGUARDS ADMINISTERED BY THE INTERNATIONAL ATOMIC ENERGY AGENCY.

THE NON-PROLIFERATION ACT IS PART OF A BROAD PROGRAM BY THE CARTER ADMINISTRATION TAKING IN BOTH DOMESTIC AND INTERNATIONAL ASPECTS OF NUCLEAR ENERGY DEVELOPMENT. DOMESTICALLY, IT'S CONSISTENT WITH THE PRESIDENT'S DECISION TO RESTRUCTURE THE U.S. BREEDER REACTOR PROGRAM AND TO PUT A MORATORIUM ON THE RECYCLING AND REPROCESSING OF DOMESTICALLY-PRODUCED PLUTONIUM. IT IS ALSO CONSISTENT WITH THE ADMINISTRATION'S WILLINGNESS TO SUBMIT U.S. CIVIL NUCLEAR FACILITIES TO INTERNATIONAL SAFEGUARDS. IN A MUCH BROADER SENSE, THE NEW NUCLEAR LEGISLATION IS INTENDED TO INCREASE THE EFFECTIVENESS OF INTERNATIONAL SAFEGUARDS AND CONTROLS ON PEACEFUL NUCLEAR ACTIVITIES AND TO ENCOURAGE NATIONS WHICH HAVE NOT RATIFIED THE NUCLEAR NON-PROLIFERATION TREATY TO DO SO AT THE EARLIEST POSSIBLE TIME.

GH/RCS